

MEETINGS TO DATE 8  
NO. OF REGULARS 7  
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LANCASTER, NEW YORK  
APRIL 2, 1979

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 2nd day of April, 1979 at 8:00 P.M. and there were

PRESENT: JOSEPH R. BARNHARDT, COUNCILMAN  
EDWARD A. BERENT, COUNCILMAN  
PETER J. BOLENDER, COUNCILMAN  
ARTEL J. METZ, COUNCILMAN

ABSENT: STANLEY JAY KEYSA, SUPERVISOR

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
DOMINIC J. TERRANOVA, TOWN ATTORNEY  
RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY  
EDWARD J. FERON, JR., TOWN ENGINEER  
ROBERT W. URBAN, HIGHWAY SUPERINTENDENT  
SAMUEL L. SAEVA, RECEIVER OF TAXES  
THOMAS FOWLER, CHIEF OF POLICE

CHAIRMAN:

In the sickness absence of Supervisor Keysa, Councilman Bolender presided as Chairman of the Board.

PUBLIC HEARINGS AND BID OPENINGS:

None

OFFICIAL REPORTS:

The Town Clerk reported that the following Board filed with him minutes of their meeting.

Planning Board

March 21, 1979

The Town Clerk presented to the Town Board a rezone petition from Ronald S. Cohen for the rezone of property located at 6711 Transit Road from a C1, Local Retail Business District to a C2, General Commercial District. The Town Clerk was directed to place this matter on the next Town Board agenda and in the meantime, refer the petition to the Planning Board for review and recommendation.

COMMITTEE REPORTS:

Councilman Berent reported that he had attended a Public Hearing on availability of Community Development Funds.

Councilman Barnhardt reported that he received a complaint relative to surface water drainage from a taxpayer at 975 Erie Street.

Councilman Barnhardt asked the Highway Superintendent to check into this matter.

Councilman Metz, for the Recreation Committee, recommended that the Town Board retain the services of the William L. Watson Company for the purpose of pressure testing the exposed water lines and drains at the Keysa Park Pool.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

RESOLVED, that the minutes of the meeting of the Town Board of the  
Town of Lancaster, held March 19, 1979, as presented by the Town Clerk, be and  
hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

COUNCILMAN METZ VOTED YES

~~xxxx~~

The resolution was thereupon unanimously adopted.

April 2, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Twin District Volunteer Fire Co., Inc., by letter  
dated March 29, 1979, has requested confirmation of one (1) new member  
duly elected to the Membership of the Twin District Volunteer Fire Co., Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby  
confirms the membership of the following individual in the Twin District  
Volunteer Fire Co., Inc.:

William David Lyman  
542 Lake Avenue  
Lancaster, N.Y. 14086

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

COUNCILMAN METZ VOTED YES

~~xxx~~

The resolution was thereupon unanimously adopted.

April 2, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, Josela Enterprises, Inc., 4875 Broadway, Depew, New York  
has applied to the Town Board of the Town of Lancaster for a permit to  
construct a Public Improvement upon real property in the Town of Lancaster  
within Countryside Subdivision, and

WHEREAS, Countryside Subdivision is a subdivision within the Town  
of Lancaster approved to by resolution dated March 20, 1978, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified  
on the following permit application that he has reviewed the Improvement  
Plan and Permit Application for the installation of the Public Improvement  
requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 66 of  
Josela Enterprises, Inc., 4875 Broadway, Depew, New York, for the  
installation of:

P.I.P. No. 66 - (Storm Sewer)  
Approx. 1401' - 12" RCP; 1553' - 15" RCP;  
841' - 18" RCP; 418' - 21" RCP; 148' - 24" RCP;  
225' - 10" CMP; 180' - 50 x 31 CMP; 13 Manholes;  
31 D.I.'s; 4 yard drains and appurtenances.

be and is hereby approved and the installation of this improvement requested  
be and is hereby authorized, subject to the inclusion in this permit of the  
following wording prescribed by the Town Attorney:

PERMIT CONDITIONED AS FOLLOWS

No Building Permits shall be issued until Performance  
Security as authorized in Chapter 11-6 of the Code of  
the Town of Lancaster is provided -- or -- until approval  
of all Public Improvements, including lighting, and sidewalk,  
by the Town Engineer and Town Board, and sewer by Erie County  
Sewer District No. 4, conveyance of Warranty Deed with  
adequate title insurance and bill of sale of improvements,  
rights-of-way, and easement, and delivery of two (2) year  
maintenance bonds from date of acceptance in the principal  
sum of 25% of the total cost of the improvement.



The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

COUNCILMAN METZ VOTED YES

~~and~~

The resolution was thereupon unanimously adopted.

April 2, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, by letter of March 16, 1979, the Highway Superintendent  
of the Town of Lancaster, has requested permission to attend the Annual  
Association of Towns, New York State Highway Superintendents' School, at  
Cornell University, Ithaca, New York from June 4th through June 6th, 1979,

NOW, THEREFORE, BE IT

RESOLVED, that ROBERT W. URBAN, Highway Superintendent of the Town  
of Lancaster, be and hereby is authorized to attend said school with  
reimbursement for actual and necessary expenses, including mileage, not to  
exceed \$200.00.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
SUPERVISOR KEYSA	WAS	ABSENT
COUNCILMAN METZ	VOTED	YES

~~xxxx~~ kx

The resolution was thereupon unanimously adopted.

April 2, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, a Public Hearing was held on the 19th day of March, 1979,  
for the purpose of amending the Zoning Ordinance and Zoning Map of the Town  
of Lancaster, and

WHEREAS, a Notice of said Public Hearing has been duly published and  
posted, and

WHEREAS, the Planning Board of the Town of Lancaster and the Planning  
Consultant have recommended the rezone of the hereinafter described parcel of  
real property, and

WHEREAS, in accordance with Section 239(m) of the General Municipal  
Law of the State of New York, the Erie County Department of Planning has  
reviewed such application for rezone and made its recommendation with respect  
thereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Ordinance and Zoning Map of the Town of  
Lancaster is hereby amended and changed so that the real property hereinafter  
described is changed from an R-1- Single-Family Residence District to a C-2  
General Commercial District:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town  
of Lancaster, County of Erie and State of New York, being part  
of Lot No. 4, Section 12, Township 11, Range 6 of the Holland  
Land Company's Survey, Briefly described as follows:

BEGINNING at a point in the West line of Lot No. 4 in the  
center of Harris Hill Road distant two hundred and thirty-five  
and twenty-eight hundredths (235.28) feet southerly from the  
Northwest corner thereof; running thence easterly, parallel  
to the north line of said Lot No. 4, thirty three (33) feet  
to the Northwest property line and initial point of survey;  
thence easterly, nine hundred twenty-five and ninety hundredths  
(925.90) feet to the Northeast corner; thence southerly, parallel  
to the West line of Lot No. 4, one hundred (100) feet; thence  
westerly on a line parallel to the North line of Lot No. 4, nine  
hundred twenty-five and ninety hundredths (925.90) feet to the  
Southwest line; thence northerly one hundred (100) feet to the  
Northwest corner and initial point of beginning.



and

BE IT FURTHER

RESOLVED, as follows:

1. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 2nd day of April, 1979, and
2. That a certified copy thereof be published in the Lancaster Enterprise on or before April 5, 1979, and
3. That affidavits of publication be filed with the Town Clerk, and
4. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

April 2, 1979

LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO ZONING ORDINANCE  
TOWN OF LANCASTER

The Zoning Ordinance of the Town of Lancaster hereby is amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an R-1 Single-Family Residence District to a C-2 General Commercial District:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 4, Section 12, Township 11, Range 6 of the Holland Land Company's Survey, Briefly described as follows:

BEGINNING at a point in the West line of Lot No. 4 in the center of Harris Hill Road distant two hundred and thirty-five and twenty-eight hundredths (235.28) feet southerly from the Northwest corner thereof; running thence easterly, parallel to the north line of said Lot No. 4, thirty-three (33) feet to the Northwest property line and initial point of survey; thence easterly, nine hundred twenty-five and ninety hundredths (925.90) feet to the Northeast corner; thence southerly, parallel to the West line of Lot No. 4, one hundred (100) feet; thence westerly on a line parallel to the North line of Lot No. 4, nine hundred twenty-five and ninety hundredths (925.90) feet to the Southwest line; thence northerly one hundred (100) feet to the Northwest corner and initial point of beginning.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER, TO WIT:

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WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing and planting shade trees and

WHEREAS, funds have been provided in the current 1979 General Town Budget for the 1979 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster 1979 Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

NOW, THEREFORE, BE IT

RESOLVED, that sealed bids be received by this Town Board up to 8:00 o'clock P.M.; Local Time, on April 16, 1979 for meeting the requirements of the Town of Lancaster's 1979 Tree Planting Program and for the supplying of trees in accordance with specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Enterprise-Journal and to have said Notice posted as required by law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT

The resolution was thereupon unanimously adopted

April 2, 1979

LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS  
OR NURSERYMEN

NOTICE IS HEREBY GIVEN that sealed bids will be received by this Town Board up to 8:00 o'clock P.M., Local Time, on April 16, 1979, for meeting the requirements of the Town of Lancaster's 1979 Tree Planting Program and for the supplying of such required trees in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Hundred Fifty Dollars (\$250.00), conditioned that, if his proposal is accepted, he will enter into a contract for the same and that he will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: ROBERT P. THILL  
Town Clerk

April 2, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER , TO WIT:

WHEREAS, the Town Assessor has recommended that Michael J.  
Beilman be authorized to attend a Seminar on Assessment Administration at  
Hamburg, New York on April 27, 1979,

NOW, THEREFORE, BE IT

RESOLVED, that MICHAEL J. BEILMAN be and is hereby authorized  
to attend the Seminar on Assessment Administration at Hamburg, New York,  
and,

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby authorized  
in an amount not to exceed \$35.00.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT
COUNCILMAN METZ	VOTED YES

~~xxxxxx~~

The resolution was thereupon unanimously adopted.

April 2, 1979



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York provides  
for the adoption of Local Laws by municipalities, and

WHEREAS, said Municipal Home Rule Law further provides for the  
procédure for adoption of Local Laws by a legislative body, and

WHEREAS, the Town of Lancaster will, from time to time, find it  
necessary and in the interest of the general health, safety and welfare of  
Town residents, to adopt local laws, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the  
public interest to amend the Code of the Town of Lancaster by adding a new  
Chapter 26 to be entitled, "Local Laws, Adoption of", which Chapter provides for  
the adoption of local laws, and for the procedures in adopting same, and shall  
be in the following form:

#### CHAPTER 26

#### LOCAL LAWS, ADOPTION OF

- §26.1 Public Hearing; notice.
- §26.2 Publication and posting; copies.
- §26.3 Publication upon adoption.
- §26.4 Filing proofs of publication.
- §26.5 Numbering

#### §26.1 Public hearing; notice.

No Local Law shall be adopted by the Town Board of the Town of Lancaster  
until a public hearing has been held thereon in its final form, before such  
Town Board, not less than three (3) nor more than thirty (30) days after  
public notice has been given of the time and place of the holding of such  
public hearing. Such notice shall be given by the Town Clerk by causing the  
same to be published once in the official newspaper of the town. Such notice  
shall contain the title and the proposed local law or in lieu thereof, a brief  
explanatory statement thereof.

#### §26.2 Publication and posting; copies

The Town Clerk shall cause to be printed or otherwise reproduced copies of such proposed Local Law and shall, not later than the day such notice is published, post one (1) such copy, together with the notice of hearing, on the signboard at the Clerk's office, and shall also make copies of such proposed local law available at said office for inspection by and distribution to any interested person during business hours.

#### §26.3 Publication upon adoption.

The Town Clerk shall forthwith, upon the adoption of a local law by the Town Board, post a copy thereof on the signboard at the Clerk's office, and shall, within ten (10) days after such adoption, cause the local law or an abstract thereof describing the same in general terms to be published in the official newspaper of the Town.

#### §26.4 Filing proofs of publication.

Proof of publication of the notice of public hearing required by §26.1 hereof and proof of the posting and publication required by §26.3 hereof shall be filed in the office of the Town Clerk.

#### §26.5 Numbering.

Each local law shall be numbered consecutively, beginning with the number one (1), for each calendar year. When a local law is finally adopted and certified copies thereof, as required by §27 of the Municipal Home Rule Law, are filed in the offices of the Town Clerk, the State Comptroller and the Secretary of State, the Town Clerk shall accordingly assign to such local law its appropriate number."

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, a public hearing on the said proposed enactment of a new Chapter 26 of the Code of the Town of Lancaster, to be known as Local Law No. 1 of the Year 1979, entitled "Local Laws, Adoption of", will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 16th day of April, 1979, at 8:15 o'clock P.M., Local Time, and that notice of the time and place of such hearing be published on April 5, 1979, in the Lancaster Enterprise, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 2nd day of April, 1979, the said Town Board will hold a Public Hearing on the 16th day of April, 1979, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the proposed enactment of a new Chapter 26 of the Code of the Town of Lancaster, to be known as Local Law No. 1 of the Year 1979, entitled "Local Laws, Adoption of", as follows:

CHAPTER 26  
LOCAL LAWS, ADOPTION OF

- §26.1 Public Hearing; notice.
- §26.2 Publication and posting; copies.
- §26.3 Publication upon adoption.
- §26.4 Filing proofs of publication.
- §26.5 Numbering

§26.1 Public hearing; notice.

No Local Law shall be adopted by the Town Board of the Town of Lancaster until a public hearing has been held thereon in its final form, before such Town Board, not less than three (3) nor more than thirty (30) days after public notice has been given of the time and place of the holding of such public hearing. Such notice shall be given by the Town Clerk by causing the same to be published once in the official newspaper of the town. Such notice shall contain the title and the proposed local law or in lieu thereof, a brief explanatory statement thereof.

§26.2 Publication and posting; copies

The Town Clerk shall cause to be printed or otherwise reproduced copies of such proposed Local Law and shall, not later than the day such notice is published, post one (1) such copy, together with the notice of hearing, on the signboard at the Clerk's office, and shall also make copies of such proposed local law available at said office for inspection by and distribution to any interested person during business hours.

§26.3 Publication upon adoption.

The Town Clerk shall forthwith, upon the adoption of a local law by the Town Board, post a copy thereof on the signboard at the Clerk's office, and shall, within ten (10) days after such adoption, cause the local law or an abstract thereof describing the same in general terms to be published in the official newspaper of the Town.

§26.4 Filing proofs of publication.

Proof of publication of the notice of public hearing required by §26.1 hereof and proof of the posting and publication required by §26.3 hereof shall be filed in the office of the Town Clerk.

§26.5 Numbering.

Each local law shall be numbered consecutively, beginning with the number one (1), for each calendar year. When a local law is finally adopted and certified copies thereof, as required by §27 of the Municipal Home Rule Law, are filed in the offices of the Town Clerk, the State Comptroller and the Secretary of State, the Town Clerk shall accordingly assign to such local law its appropriate number."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

April 2, 1979

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

COUNCILMAN METZ VOTED YES

~~duky~~  
The resolution was thereupon unanimously adopted.

April 2, 1979



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Highway Superintendent and Highway Committee of the Town Board, have recommended the appointment of Robert J. Bernacki to the position of Laborer I in the Highway Department in view of his background in tree work, and

WHEREAS, the town wide tree planting program requires manpower and expertise which would be furnished by Mr. Bernacki;

NOW, THEREFORE, BE IT

RESOLVED, that ROBERT J. BERNACKI be and hereby is appointed Laborer I in the Highway Department at an hourly rate as set forth in the Schedule of Salaries for the year 1979 for said position; said appointment shall be effective April 9, 1979.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT
COUNCILMAN METZ	VOTED YES

~~duxbxx~~  
The resolution was thereupon unanimously adopted.

April 2, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT, TO WIT:

WHEREAS, NORMAN F. AND MARYANN BASTIAN, 5747 Genesee Street, Lancaster, New York, have petitioned the Town Board of the Town of Lancaster for the rezone of certain property situate on the south side of Genesee Street, at 5747 Genesee Street, from an RC Residence-Restricted Business District, to a C-1 General Commercial District, which property is described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 3, Section 9, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the northerly line of Lot 3, said northerly line also being the center line of Genesee Street, 900 feet distant from a point where the said northerly line of Lot 3 intersects with the westerly line of said Lot 3, thence easterly along the said northerly line of Lot 3, 100 feet thence southerly and along the line parallel with the westerly line of Lot 3, 400 feet; thence westerly and along a line parallel with the northerly line of Lot 3, 100 feet; thence northerly along a line parallel with the westerly line of Lot 3, 400 feet, to the point or place of beginning.

AND ALSO, ALL THAT TRACT OR PARCEL OF LAND SITUATE in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 3, Section 9, Township 11, Range 6 of the Holland Land Company's Survey, as follows:

BEGINNING at a point in the northerly line of Lot No. 3, said northerly line also being the center line of Genesee Street, 1000 feet distant easterly from a point where the said northerly line of Lot No. 3 intersects the westerly line of said Lot No. 3; said point of beginning being the northeast corner of lands heretofore conveyed to the grantees by Deed dated February 7, 1936, and recorded in the Erie County Clerk's Office in Liber 5705 of Deeds at Page 446; thence easterly along the said northerly line of Lot No. 3, 33.20 feet to a point 300 feet westerly from the northeast corner of Lot No. 3; thence southerly and along a line parallel with the westerly line of Lot No. 3, 400 feet; thence westerly and along a line parallel with the northerly line of Lot No. 3, 33.20 feet; thence northerly along a line parallel with the westerly line of Lot No. 3, said line also being the easterly line of lands conveyed to grantees herein by deed referred to, 400 feet to the point or place of beginning.

and

WHEREAS, said Petition has been referred to the Planning Board and Planning Consultant of the Town of Lancaster, and the Erie County Department of Planning, and

WHEREAS, a Public Hearing on the petition for proposed rezone was held by the Town Board of the Town of Lancaster on the 6th day of November, 1978, pursuant to public notice duly published and posted, and

WHEREAS, full opportunity to be heard was given to all parties in interest, and

WHEREAS, a review of the petition and report of the Planning Board, Planning Consultant and Erie County Department of Planning and the evidence adduced at said public hearing and the Master Plan and Zoning Map of the Town of Lancaster reveals the following facts:

1. That the proposed rezone of subject premises as a C-1 Local Retail Business District use is to a use which is not presently provided for on the subject premises.
2. That the Zoning Ordinance of the Town of Lancaster was adopted on May 24, 1961 by the Town Board of the Town of Lancaster.
3. That the petitioner has owned subject premises since 1964.
4. That there are areas on Genesee Street within the general area of the subject premises which are zoned to a higher use than the petitioners' RC -Residence Restricted Business, that being C2-General Commercial District and M-1 Light Industrial District, which would accommodate the petitioners' proposed use.
5. That petitioner knows the use group that the subject premises is zoned within, that being RC-Residence-Restricted Business, and the use categories within that RC use group as enumerated in the Town Zoning Ordinance.
6. That the petitioner knows, by virtue of the Zoning Ordinance being a public record, that there are areas designated in the Zoning Ordinance on Genesee Street as well as in various other areas of the Town, which are presently zoned for higher use than the subject premises' RC, which would accommodate the petitioner's proposed use as C1.

7. That the Planning Board has reconsidered the proposed use at request of petitioner, with respect to the zoning uses in the Genesee Street area surrounding the subject premises, and in reconsidering said proposed use has also taken into consideration the present Ordinance and Zoning categories as they relate to a change in the area since adoption of the Ordinance in 1961.
8. That the proposed rezone is not in harmony with the general purpose and intent of the Master Plan and Zoning Map for Development of the Town of Lancaster.
9. That the premises sought to be rezoned, if rezoned, would constitute a spot zoning with apparent benefit accruing only to the petitioner as owner of the subject premises.

and

WHEREAS, the denial of this petition for rezone will not deny the reasonable use of the real property to the owner thereof, and

WHEREAS, a study of the area involved reveals that the property in question, if rezoned to a C1 use, would be spot zoning for the limited benefit of the petitioner rather than the community at large,

NOW, THEREFORE, BE IT

RESOLVED, that upon the testimony and evidence presented at the public hearing and based upon the foregoing findings, the petition of NORMAN F. and MARYANN BASTIAN, be and hereby is denied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT
COUNCILMAN METZ	VOTED YES

The resolution was thereupon unanimously adopted.

April 2, 1979

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 7863 to 7911 Incl.	\$85,880.74
Part Town Funds	No. 674 to 679 Incl.	\$51,411.46
Highway Funds	No. 2326 to 2340 Incl.	\$13,119.99
Special District Funds	No. 371 to 375 Incl.	\$56,660.33
Trust & Agency Fund	No. 307 to 310 Incl.	\$ 1,310.54
Capital Fund	No. 381 to 382 Incl.	\$12,465.00
CETA Project No. 641	No. 62 to 62 Incl.	\$ 51.72

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

COUNCILMAN METZ VOTED YES

~~xxxx~~

The resolution was thereupon unanimously adopted.

April 2, 1979



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER TO WIT:

RESOLVED, that the following Building Permit Applications be and  
are hereby approved and the issuance of Building Permits be and are hereby  
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
24	Jerome Cyrek	5191 Genesee ST.	ER. FR. CONCRETE BLOCK PVT. GARAGE
25	Ronald Hausrath	22 Ravenwood Dr.	ER. FENCE
26	George Lindbloom	6345 Genesee St.	ER. FR. PVT. GARAGE
27	Jerome Brakefield	156 Stony Rd.	ER. FR. SIN. DWLG, PVT. GARAGE
28	Marrano Enter.	37 Fox Hunt Rd.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
29	Marrano Enter.	29 Deerpath Dr.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
30	Joseph Kosek	43 Stutzman	ER. FR. ALUM. SIN. DWLG PVT. GARAGE
32	Walden Lancaster Associates	3919 Walden Ave.	ER. CONCRETE, STEEL WAREHOUSE

and,

BE IT FURTHER

RESOLVED, that Building Permit No. 31 be and is hereby denied.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT
COUNCILMAN METZ	VOTED YES

The resolution was thereupon ~~unanimously~~ adopted.

April 2, 1979

Councilman Metz requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Highway Department of the Town of Lancaster, at the direction of the Recreation Committee of the Town Board, has removed the concrete deck area around the pool at Keysa Town Park in preparation for the rehabilitation of the pool deck area, and

WHEREAS, a major portion of the Town Pool piping and drainage system is now accessible and available for both visual and pressure testing, and the Recreation Committee has recommended such visual inspection and pressure testing prior to further work being done on this project,

NOW, THEREFORE, BE IT

RESOLVED, that Councilman Artel J. Metz, a Member of the Parks and Recreation Committee of the Town Board, be and is hereby authorized to retain the services of the William L. Watson Co., Inc., 440 Northwood Drive, Kenmore, New York, for the purpose of pressure testing the lines at the Keysa Town Park Pool, and

BE IT FURTHER

RESOLVED, that Councilman Metz is authorized to negotiate payment of such testing at the usual pool industry testing rates on a hourly basis provided that the total project testing cost is not to exceed \$900.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT
COUNCILMAN METZ	VOTED YES

The resolution was thereupon unanimously adopted.

April 2, 1979

Councilman Bolender requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated March 19, 1979, has recommended to the Town Board the appointment of Mark E. Pempsell, 40 Newell Avenue, Lancaster, New York, to the position of Automotive Mechanic in the service of the Highway Department of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1) That the Town Board of the Town of Lancaster hereby creates the position of Automotive Mechanic in the Highway Department, effective April 16, 1979, with duties as set forth in Form P0-17, filed with the Personnel Office of the County of Erie, which form is hereby incorporated by reference,

2) That Mark C. Pempsell, be and hereby is appointed and confirmed as Automotive Mechanic in the service of the Highway Department of the Town of Lancaster at an hourly rate of \$6.55 per hour, said appointment to be effective April 16, 1979.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT
COUNCILMAN METZ	WAS ABSENT

The resolution was thereupon ~~unanimously~~ adopted.

! April 2, 1979

Councilman Berent requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Town Assessor, by letter dated March 23, 1979, has recommended to the Town Board the appointment of John Kufel, 113 Albert Drive, Lancaster, New York, to the position of Real Property Appraiser-Estimator Trainee, Part-time, in the service of the Assessor's Office of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that JOHN KUFEL, 113 Albert Drive, Lancaster, New York, be and is hereby appointed to the part-time position of Real Property Appraiser-Estimator Trainee in the service of the Assessor's Office at an hourly rate of \$4.50 per hour, said appointment to be effective April 3, 1979.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT
COUNCILMAN METZ	VOTED YES

The resolution was thereupon unanimously adopted.

April 2, 1979

Councilman Berent requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Executive Director of the Lancaster Youth Bureau, by letter dated March 29, 1979, has requested authorization to submit to the New York State Division for Youth two (2) special programs which would be funded from \$7,415.29 grant money recently made available to the Town of Lancaster Youth Bureau,

NOW, THEREFORE BE IT

RESOLVED, that the Executive Director of the Youth Bureau of the Town of Lancaster be and is hereby authorized to submit to the New York State Division for Youth the following two (2) programs for their review and approval:

- a) "Theater Workshop" Program - Requesting State Aid in the amount of \$4,915.29
- b) "Tutorial " Program - Requesting State Aid in the amount of \$2,500.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	WAS ABSENT
COUNCILMAN METZ	VOTED YES

The resolution was thereupon unanimously adopted.

April 2, 1979



1. Preferential Rights, Erie Lackawanna R.R.  
On December 27, 1978, the Town Board authorized search and title work on this acquisition.
2. Public Improvement Permit Authorization, Heritage Hills Subdivision  
On March 15, 1979, the Town Board approved P.I.P. Nos. 62 (Pavement and Curbs), 63 (Storm Sewer), 64 (Water Line), and 65 (Retention Pond).
3. Public Improvement Permit Authorization, Lancaster Industrial Park  
On December 18, 1978, the Town Board accepted these public improvements within this industrial park subject to receipt of maintenance security and tendering of title documents.
4. Public Improvement Permit Authorization, Pleasant Meadow Subdivision, Phase IV.  
On October 16, 1978, the Town Board approved P.I.P. Nos. 59 (Pavement and Curbs), 60 (Water Line), 61 (Storm Sewer).
5. Public Improvement Permit Authorization, Woodview Estates Subdivision  
On October 2, 1978, the Town Board approved P.I.P. Nos. 54 (Water Line), 55 (Pavement), 56 (Storm Drain), 57 (Sidewalk), and 58 (Lighting).
6. Rezone Petition, Norman H. and Maryann Bastian  
On April 2, 1979, the Town Board denied this petition. The Town Clerk was directed to remove this item from future Town Board agendas.
7. Rezone Petition, Bernard B. Stangler  
On April 2, 1979, the Town Board approved this rezone petition. The Town Clerk was directed to remove this item from future Town Board agendas.
8. Speed Evaluation Survey, Northwest Area of Township  
On February 28, 1979, the N.Y.S. Dept. of Transportation established a 35 mph speed restriction for the above referenced area.
9. Subdivision Approval, Countryside East (Josela Enterprises)  
On January 15, 1979, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
10. Subdivision Approval, Countryview East (Marrano Enterprises)  
On May 1, 1978, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
11. Subdivision Approval, Heritage Hills  
On March 23, 1979, the map covers for Part I and Part II of this subdivision were filed in the Erie County Clerk's Office. The Town Clerk was directed to remove this item from future Town Board agendas.
12. Traffic Study - Green Arrows at Central and Walden Avenues  
On January 29, 1979, the Town Clerk forwarded to the County Highway Dept. the joint request of the Village and Town of Lancaster for this study.

The Town Clerk was directed to add the following items to future Town Board agendas:

"Public Improvement Permit Authorization, Countryside Subdivision (Josela)"  
"Rezone Petition, Ronald S. Cohen"

PERSONS DESIRING TO ADDRESS TOWN BOARD:

Mr. Edward Gaske, 170 Stony Road, expressed disappointment and disagreement with the Town Board's decision in adopting a resolution this evening denying the Edward J. Bastian rezone petition.

Mr. Nicholas Mueller asked the Town Board if when the final report from the Planning Consultant is filed with the Planning Board relative to the review of the reclassification of Genesee Street, from Harris Hill Road to Stony Road, if that document would be a matter of public record and available for inspection.

The Town Attorney informed Mr. Mueller that it would be a matter of public record.

Mr. Roy Stutzman, 3740 Bowen Road, presented to the Town Board a letter dated April 2, 1979 from David R. Jerome, Chairman of the A.R.C. Alternate Site Committee, wherein the committee suggested for the consideration of the A.R.C. four (4) alternate sites for location of the proposed A.R.C. facility rather than its original proposed site at 3746 Bowen Road.

The Supervisor was directed to forward this letter and the information contained therein to the Association for Retarded Children, Inc. with a request that they consider the alternate site locations as proposed by the Alternate Site Search Committee.

COMMUNICATIONS:Page 217  
DISPOSITION

225. Mobil Oil Corp. to Town Clerk -  
Notification of allocation of gasoline  
beginning 3/1/79. R & F  
Police Chief  
Highway Supt.
226. SUNYAB to Supervisor -  
Transmittal of program regarding "Love Canal -  
Lessons for Society" to be held 3/21-22, 28,  
29/79. R & F
227. N.Y.S. Assn. for Retarded Children, Inc. to  
Supervisor -  
Notification of rejection of four proposed  
sites. R & F
228. Supervisor to Contractor Materials Company, Inc. -  
Recommendation that private industrial southside  
of Walden Ave. be offered to Town Board. R & F
229. N.Y.S. Dept. of Environmental Conservation to  
Supervisor -  
Request choice between Clarence and Lancaster  
as to whom shall be lead agency regarding  
application from Buffalo Crushed Stone, Inc.  
for a mining permit. R & F  
Supervisor
230. Town Line Vol. Fire Dept., Inc. to Supervisor -  
Correction on address of Gerald Litwiller,  
2nd Assistant Chief. R & F  
Police Dept.
231. Highway Supt. to Town Board -  
Recommendation of Mark E. Pempsell to position  
of mechanic in lieu of Edward M. Chmielecki  
and Claude C. Vanderpool. Town Clerk
232. County Health Dept. to Patrick Marraño Assoc. -  
Transmittal of two Certificates of Approval of  
Realty Subdivision Plans; one for Heritage  
Hills Part I and Heritage Hills Part II. R & F
233. Town Engineers to Marzec Plumbing and Heating,  
Inc. -  
Notification of receipt of corrected insurance  
certifications with notice to proceed work on  
Storer Rd. and Transit Blvd. water lines. R & F
234. Doralco Inc. to Town Clerk -  
Notification of readiness for transfer title  
on roadway in Lancaster Industrial Park with  
request that street be designated "Ward Road." Attorney
235. Highway Supt. to Sen. Dale Volker -  
Expression of appreciation for intervention  
in obtaining salt for Highway Dept. R & F
236. Highway Supt. to Town Board -  
Notification of anticipated work locations  
for 1979 construction season. R & F
237. Assessor to Town Board -  
Request permission to hire John Kufel for  
part-time Real Property Appraiser-Estimator  
Trainee position effective 4/1/79. Town Clerk
238. Assessor to Town Board -  
Request adoption of resolution memorializing  
the State Legislature to repeal §304 of the  
Real Property Tax Law. R & F

- |      |   |  |
|------|---|--|
| 239. | Asst. Building Inspector to Town Board -<br>Notification of dumping in streams and<br>waterways with transmittal of various<br>photographs.   | Attorney<br>_____<br>_____<br>_____        |
| 240. | William L. Holcomb Associates, Inc. to<br>Supervisor -<br>Announcement of two new associates.   | R & F<br>_____<br>_____                    |
| 241. | Deputy Town Attorney to Supervisor -<br>Comments regarding determination of lead<br>agency regarding Buffalo Crushed Stone, Inc's<br>application for mined land reclamation.                                  | Supervisor<br>_____<br>_____<br>_____      |
| 242. | Highway Supt. to Supervisor -<br>Comments regarding Drainage Ditch A-17.  | Supervisor<br>_____<br>_____               |
| 243. | County Executive to Supervisor -<br>Notification of meeting to be held 4/30/79<br>in Depew for discussion of various topics.  | R & F<br>_____<br>_____                    |
| 244. | County Dept. of Environment and Planning to<br>Supervisor -<br>Transmittal of list of known or suspected<br>solid waste disposal areas in Town.   | R & F<br>Supervisor<br>_____<br>_____      |
| 245. | County Dept. of Environment and Planning to<br>Supervisor -<br>Notification of final public hearing on the<br>study of Water Quality Management Plan to<br>be held on 4/4/79 at Amherst.                      | R & F<br>_____<br>_____<br>_____           |
| 246. | N.Y.S. Dept. of Mental Retardation and<br>Developmental Disabilities to Supervisor -<br>Notification that sites proposed by Town<br>will be evaluated by the Erie County Assn.<br>for Retarded Children, Inc. | R & F<br>_____<br>_____<br>_____           |
| 247. | Deputy Town Clerk to Town Board -<br>Resume of actions taken in response to<br>directions and resolutions of the Town<br>Board meeting of 3/19/79.  | R & F<br>_____<br>_____<br>_____           |
| 248. | Town Line Vol. Fire Dept., Inc. to Town Clerk -<br>Transmittal of Fire Report for 1978.   | Town Clerk<br>_____<br>_____               |
| 249. | Town Attorney to Town Board -<br>Comments regarding adoption of local laws.   | R & F<br>_____<br>_____                    |
| 250. | Town Attorney to Town Board -<br>Recommendations regarding private industrial<br>road, south side of Walden Avenue.   | Supervisor<br>Town Clerk<br>_____<br>_____ |
| 251. | Town Attorney to Town Board -<br>Notification that pre-finance bonding<br>matters relative to Court St. Bridge have<br>been complied with.  | R & F<br>_____<br>_____<br>_____           |
| 252. | Justice Timothy J. Dwan to Town Board -<br>Request transfer of funds from Acct. 1110.401<br>to 1110.210 for purchase of typewriter.   | Supervisor<br>_____<br>_____               |
| 253. | Twin District. Vol. Fire Co., Inc. to Town<br>Board -<br>Recommendation of new member to active<br>roster.  | R & F<br>_____<br>_____<br>_____           |
| 254. | Planning Board to Town Board -<br>Minutes from meeting held 3/21/79.  | R & F<br>_____<br>_____                    |

255. United States Senate to Supervisor -  
Notification that letter regarding Law  
Enforcement Assistance Adm. is being forwarded  
to Criminal Justice Services for further  
consideration.

R & F

256. Youth Bureau to Supervisor -  
Request permission to submit two programs  
to the Division of Youth.

Recreation Commission

Councilman Metz requested a suspension of the necessary rule for  
immediate consideration of the following communications -

SUSPENSION GRANTED.

257. County Dept. of Environment and Planning to  
Supervisor -  
Request response to Reports 1 and 2 of the  
208 Water Quality Report.

R & F

258. Dr. David R. Jerome to Supervisor -  
Notification of other sites for consideration  
by A.R.C.

R & F

259. Supervisor, Town of Clarence to Supervisor -  
Transmittal of resolution adopted on 3/28/79  
requesting the Town to be lead agency for  
the Buffalo Crushed Stone, Inc. Mined Land  
Reclamation Permit.

Supervisor

260. Hydraulic Servocontrols Corp. to Supervisor -  
Notification of possibility of locating  
business in Town with request of considera-  
tion of tax incentive for new business.

R & F

ADJOURNMENT:

ON MOTION OF COUNCILMAN BARNHARDT, AND SECONDED BY THE ENTIRE  
TOWN BOARD AND CARRIED, the meeting was adjourned at 9:20 P.M.

Signed

*Robert P. Thill*

Robert P. Thill, Town Clerk